

## **Town Board Minutes**

August 18, 2014

Meeting No. 24

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 18<sup>th</sup> day of August 2014 at 7:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM, COUNCIL MEMBER  
MARK AQUINO, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
DINO FUDOLI, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
SCOTT PEASE, ASST. CODE ENFORCEMENT OFFICER  
GERALD GILL, CHIEF OF POLICE  
TERRENCE MCCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
JOHN TROJANOWSKY, EXEC. DIR. YOUTH BUREAU

### **EXECUTIVE SESSION:**

AT 8:34 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter.

At 8:53 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

## **PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, spoke to the Town Board on the following matters:

- Rezone of property on Harris Hill Road and his concerns regarding traffic and expansion of project to future phases.
- Flagging of Forestream Bridge, by NYSDOT.
- Concerns and questions regarding Lincoln Street Bridge.

**Chowaniec, Lee**, spoke to the Town Board on the following matters:

- Rezone of property on Harris Hill Road.
- Various comments regarding residential development.

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Rezone of property on Harris Hill Road.
- Campaign contributions.
- Land on corner of Aurora Street and Clinton Street in the Town of Elma.
- Fitness center at Public Safety Building.
- Landscaping at the Public Safety Building.
- Letter of thanks from the Lancaster Rural Cemetery for assistance provided by the Town.

**Gill, Gerald, Police Chief**, spoke to the Town Board on the following matter:

- Asks the Board to consider cumulative effect of subdivision approvals.

**Hangauer, Carmen**, spoke to the Town Board on the following matter:

- Negative Declaration related to the proposed rezone of property on Harris Hill Road. Liability insurance covering property.

**Kazmierczak, Tom**, spoke to the Town Board on the following matters:

- Claims of the smell of raw sewage near area of Americo Court.
- Traffic concerns on William Street.

**Palumbo, Jeffrey, Esq.** spoke to the Town Board on the following matter:

- Comments to clarify his client's project on Harris Hill Road.

**Puccio, Don**, spoke to the Town Board on the following matter:

- Traffic concerns – Warner Road and Pleasantview Drive. Requests 3-way stop at Warner Road and Pleasantview Drive.

**Symer, Donald**, spoke to the Town Board on the following matter:

- Rezone of property on Harris Hill Road.

**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and the Planning Board held August 4, 2014 and the Regular Meeting of the Town Board held August 4, 2014 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	ABSTAINED
SUPERVISOR FUDOLI	VOTED YES

August 18, 2014

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Assistant to the Supervisor, to wit:

Claim No. 36658 to Claim No. 36906 Inclusive

Total amount hereby authorized to be paid: \$1,035,851.43

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**  
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
23125		Gregory & Barbara Stewart	37 Meadow Lea Dr	Er. Shed	
23126		House Crafters LLC	50 Creekwood Dr	Re-Roof	
23127		Robert M Keil	41 Taft Ave	Re-Roof	
23128		Robert Monti	5813 Broadway	Er. Sign - Temp	
23129		Michael & Kimberlyann Herbison	88 Carter St	Er. Res. Add.	(V/L)
23130		Gerald & Camille Krupka	675 Erie St	Re-Roof	
23131		Carl Adolf	32 Carter St	Er. Fence	(V/L)
23132		Paul & Cathleen Oczykto	59 Brunck Rd	Re-Roof	
23133		James & Carol Schihl	3 Kelly Ann Dr	Er. Res. Alt.	
23134		Todd & Anne Adamec	728 Aurora St	Er. Deck	
23135		Frontier Properties LLC	70 Gunnville Rd	Er. Comm. Bldg.	
23136		Andrew & Ewa Kucharski	3 Nottingham Ln	Er. Shed	
23137		D Allen & Son Contracting Inc	20 Ravenwood Dr	Re-Roof	
23138		Building Solutions	154 Siebert Rd	Re-Roof	
23139		Iroquois Fence, Inc.	8 Muirfield Ln	Er. Fence	
23140		Zenner & Ritter Co., Inc.	1 Silent Meadow Lane	Inst. Generator	
23141		Timothy & Erin Kowalow	75 Avian Way	Er. Fence	
23142		Timothy & Erin Kowalow	75 Avian Way	Er. Pool-In Grnd	
23143		Forbes Homes, Inc	15 Silent Meadow Lane	Er. Dwlg.-Sin.	
23144		Carter Pools & Coatings	15 Cambridge Ct	Er. Pool-In Grnd	
23145		Colley's Pool Sales Inc.	73 Avian Way	Er. Pool-In Grnd	
23146		Active Fence	15 Cambridge Ct	Er. Fence	
23147		Colley's Pool Sales Inc.	73 Avian Way	Er. Fence	
23148		Glamour Pools	21 Sterling Pl	Er. Pool-In Grnd	
23149		Glamour Pools	21 Sterling Pl	Er. Fence	
23150		Eva Slate	824 Ransom Rd	Er. Garage	
23151		Eva Slate	824 Ransom Rd	Er. Porch	
23152		Marrano/Marc Equity Corp	11 Jonquille Ct	Er. Dwlg.-Sin.	
23153		Michael & Beverly Shamblin	236 Pleasant View Dr	Re-Roof	
23154		Robert & Jennifer Sinclair	15 Primrose Ln	Inst. Generator	
23155		David Zurawski	17 Juniper Blvd	Er. Shed	
23156		Charles & Susan Tracy	18 Cedar Brook Dr	Re-Roof	
23157		Robert Stanton	24 Rollingwood Dr	Re-Roof	
23158		D J Hibbs	19 Sterling Pl	Er. Res. Alt.	
23159		David & Elizabeth Neidhart	7 Sussex Ln	Re-Roof	
23160		Anderson Water Systems, Inc.	34 Summerfield Dr	Inst. Generator	
23161		Francis Rautenstrauch	396 Townline Rd	Re-Roof	
23162		Donald Anstett & Ellen Beltz	68 Lombardy St	Er. Garage	(V/L)
23163		Forbes Homes, Inc.	10 Silent Meadow Lane	Er. Dwlg.-Sin.	
23164		DJC Land Development	14 Silent Meadow Lane	Er. Dwlg.-Sin.	
23165		DJC Land Development	12 Silent Meadow Lane	Er. Dwlg.-Sin.	
23166		JM & Sheila Ransbottom	31 Ashwood Ct	Er. Res. Alt.	
23167		James C Stady	2 Hidden Trl	Er. Fence	
23168		House Crafters LLC	81 Robert Dr	Re-Roof	(V/L)
23169		Richard & Joanne Butler	66 Old Post Rd	Re-Roof	
23170		Helen Wilczak	17 Wren Ave	Re-Roof	(V/L)
23171		Town of Lancaster IDA	2655 Wehrle Dr	Er. Sign - Temp	
23172		Keith Keene	80 Brunswick Rd	Er. Fence	(V/L)
23173		George Miller Jr	35 Brady Ave	Re-Roof	(V/L)
23174		Stockmohr Co. Inc.	1244 Townline Rd	Re-Roof	

23175	Amatura D & Sherwood R	5820 Broadway	Er. Comm. Add./Alt.	
23176	A Best Inc	26 Hidden Trl	Re-Roof	
23177	Anthony Fialkowski	5741 Broadway	Re-Roof	
23178	Michael J. Bulera	233 Warner Rd	Re-Roof	
23179	House Crafters LLC	231 Warner Rd	Re-Roof	
23180	Dennis & Pamela Dukat	28 Whitestone Ln	Er. Shed	
23181	Erick & Christina Dustin	9 Prairie Ln	Er. Shed	
23182	Joan M Bogdan	62S Irwinwood Rd	Er. Shed	(V/L)
23183	Jason P. Jones	32 Cedar Brook Dr	Er. Shed	
23184	Ray Book	30 Christen Ct	Re-Roof	(V/L)

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**BE IT RESOLVED**, that the Town of Lancaster, Location Code 30040, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees’ Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

TITLE	STANDARD DAY
ASSISTANT DOG CONTROL OFFICER PT/SEASONAL	7
TUTOR PT/SEASONAL	7

**BE IT FURTHER  
RESOLVED**, that the terms of this resolution shall supercede any inconsistent provisions of previously adopted Town laws, policies and resolutions.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, it is essential to public safety that the Town of Lancaster continue its participation in the coordinated effort to reduce alcohol related traffic injuries and fatalities, and

**WHEREAS**, the County of Erie has tendered an application to the Town of Lancaster for participation in said coordinated effort for the years 2014 through 2016.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized and directed to execute on behalf of the Town of Lancaster, the 2014 through 2016 Police and Court STOP-DWI Agreement with the County of Erie for participation in funding of alcohol related traffic safety law enforcement activities under the 2014-2016 STOP-DWI Grant Program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Line Volunteer Fire Department, Inc., by letters dated August 4, 2014, has requested the addition of two (2) members to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individuals:

**ADDITIONS:**

David Kazmierczak	Shane McCoy
Buffalo, New York	Alden, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Town Board is considering the construction of a new 3,360 +/- square foot building with associated site infrastructure and 15 +/- parking spaces on a 2.5± acre parcel located at 6161 Broadway in the Town of Lancaster submitted by Advantage Fitness, LLC, and

**WHEREAS**, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on August 4, 2014 and recommended that a Negative Declaration be issued, and

**WHEREAS**, the Town Board has duly considered the plans for the building, the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action has been labeled a “Type II” action under SEQRA.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. This project, described as the construction of a 3,360 +/- square foot building with associated site infrastructure and 15 +/- parking spaces located at 6161 Broadway in the Town of Lancaster submitted by Advantage Fitness, LLC,. The total ground disturbance will be approximately 2.56± acres, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: August 18, 2014**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed construction of a 3,360 +/- square foot building with associated site infrastructure and 15 +/- parking spaces on a 2.5± acre parcel submitted by Advantage Fitness, LLC,. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Advantage Fitness

**Location of Action:** 6161 Broadway, Lancaster, New York 14086, Erie County.

**SEQR Status:** Type II.

**Description of Action:** A site plan for a proposed 3,360± square foot building located at 6161 Broadway, Lancaster, New York. The building will house a fitness facility with the site containing a 15± space parking lot and all associated site infrastructure needed for the operation of the facility.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.

6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
11. The proposed action will not create a hazard to environmental resources or human health.

**For Further Information:**

Contact Person:	John M. Dudziak, Town Attorney Town of Lancaster
Address:	21 Central Avenue Lancaster, New York 14086
Telephone Number:	(716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster’s Highway Department currently has an agreement with Wendell WD Architecture Engineering Surveying & Landscape Architecture, P.C. (“Wendell”) to provide upgrades to the Town’s Functional Geographic Information System (GIS) for the development and implementation of ArcGIS Server Web Mapping Application (WMA) Integration and Update of Culvert Layer, Drainage Analysis and GIS technical support and training, and

**WHEREAS**, Currently the contract with Wendell to provide professional GIS services, which includes hosting and data maintenance of the Town of Lancaster’s GIS Web Map site, has expired per its contract terms, and

**WHEREAS**, Daniel Amatura, Lancaster Town Highway Superintendent has requested that the Town renew said agreement with Wendell to provide professional GIS Support Services to the Town of Lancaster’s GIS Web Map site for the 2014 fiscal year, and

**WHEREAS**, The Town Board and Town Attorney have reviewed the renewal agreement and deem it in the public interest to extend the engagement of Wendell to provide the professional GIS Support Services as beforementioned,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the renewal agreement for the 2014 fiscal year between the Town of Lancaster and Wendell in order to provide the Town of Lancaster’s Highway Department professional GIS Support Services which includes hosting and data maintenance of its GIS Web Map, for an amount not to exceed \$2,600.00, which will be paid for from funds available within the Highway Department’s 2014 Budget.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board is considering a petition for the Rezone of 375 & 391 Harris Hill from Residential District (R-1) to Multifamily Residential District Four (MFR-4) located within the Town of Lancaster and submitted by Natale Development, LLC, and

**WHEREAS**, a Rezone of the property to the Multifamily Residential District 3 (MFR-3) is the minimum necessary to achieve the applicant’s objectives, and that the MFR-3 zoning district is less dense and will mitigate environmental impacts to the maximum extent practicable, and

**WHEREAS**, the Town of Lancaster Municipal Review Committee has reviewed the potential adverse environmental impacts of rezoning the property pursuant to SEQR regulations at their meeting on August 4, 2014 and recommended that a Negative Declaration be issued, and

**WHEREAS**, the Town Board has duly considered the rezoning of the Property to MFR-3, the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

**WHEREAS**, the proposed action has been labeled a “Type 1” action under SEQRA.

**NOW, THEREFORE,**  
**BE IT RESOLVED** by the Town Board of the Town of Lancaster that:

1. The proposed Rezone of 375 & 391 Harris Hill Road from Residential District (R-1) to Multifamily Residential District Three (MFR-3), submitted by Natale Development, LLC. will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: August 18, 2014**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”), has reviewed the Rezone of 375 & 391 Harris Hill Road from Residential District (R-1) to Multifamily Residential District Three (MFR-3) located within the Town of Lancaster and submitted by Natale Development, LLC. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Harris Hill Senior Housing

**Location of Action:** 375 Harris Hill (SBL: 82.03-2-11.1) & 391 Harris Hill Road (SBL: 82.03-2-15), Lancaster, New York.

**SEQR Status:** Type 1 Action.

**Description of Action:** The rezoning of approximately 32.4 acres from Residential District (R-1) to Multifamily Residential District Three (MFR-3) to accommodate the development of 150 senior housing units and approximately 10 single family lots.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. **Impact on land** – There will be impacts to land as the result of the residential development and the site preparation and grading, but such impacts will not be significant.
2. **Impact on Geological Features** - None
3. **Impacts on Surface Water** – There will be adequate drainage at the site, and the developer will be required to comply with the SPDES General Permit for Stormwater Discharges from Construction Activity, including post-construction stormwater management. This will ensure any impacts to surface water are mitigated to the maximum extent practicable.
4. **Impact on Groundwater** – There will be no significant adverse impact to groundwater.

5. **Impact on Flooding** – A small impact may occur. It is noted that the development will occur within a 500 year Floodplain.
6. **Impact on Air** – There will be minor, temporary impacts during construction, but such will not be significant.
7. **Impact on Plants and Animals** – A small seasonal impact may occur related to the use of herbicides and pesticides.
8. **Impact on Agricultural Resources** - None
9. **Impact on Aesthetic Resources** – It is noted that there are similar projects within a half to three mile distance of the project.
10. **Impact on Historic and Archeological Resources** – A small impact is noted with regard to an historical cabin which had been located on this site; the cabin has recently been removed from this location.
11. **Impact on Open Space and Recreation** – An additional demand for open space and recreation will be created by the residential development, but such increase will not be significant.
12. **Impact on Critical Environmental Areas** – There is no Critical Environmental Area (CEA) near the Project site.
13. **Impact on Transportation** – A small impact is possible at the two intersections located North and South of the site; specifically the intersection of Harris Hill Road and Wehrle Drive and Harris Hill Road and Genesee Street.
14. **Impact on Energy** – There will be a minor increase in energy usage consistent with residential development, and such will not be significant.
15. **Impact on Noise, Odor and Light** – During construction of the Project there may be temporary noise, dust, and odor impacts, but best management practices and the temporary nature of these impacts render these potential impacts to be insignificant. Light impacts will increase as the area will be lit for residents, but this will not be significant.
16. **Impact on Human Health** – There will be no such impacts.
17. **Consistency with Community Plans** – Reduction in the zoning approval from MFR-4 to MFR-3, a lower density zoning district, ensures consistency with the community's plans and character. Similarly, the project is a senior housing facility, and senior housing, rather than higher-density apartment complexes is consistent with the community's plans and character.
18. **Consistency with Community Character** – The proposed action may create a demand for additional Police and Fire services. This impact is considered not to be significant.

**For Further Information:**

Contact Person:	John M. Dudziak, Town Attorney
	Town of Lancaster
Address:	21 Central Avenue
	Lancaster, New York 14086
Telephone Number:	(716) 684-3342



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, Cohen Law Group has submitted a flat fee proposal to the Town of Lancaster to perform Cable Franchise Transfer, Franchise Fee Audit and Franchise Renewal services for the Town based upon a fee chart included in their proposal, and

**WHEREAS**, The Town Board and the Town Attorney have reviewed the proposal for services and have determined it to be in the public interest to engage the services of the Cohen Law Group as the Town deems appropriate based on the fee chart furnished, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a the letter of engagement by which the Town of Lancaster agrees to pay Cohen Law Group pursuant to its fee chart, an amount not to exceed \$17,425.00, not including extraordinary services or unforeseen developments, for those matters over which Cohen Law Group is employed by the Town for Cable Franchise Transfer services, Franchise Fee Audit and Franchise Renewal services. If additional fees are necessary further approval will be required.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, General Crew Chief, Terrence McCracken, of the Town of Lancaster’s Park’s Department, in a letter dated August 14, 2014 has advised the Town Board that the Park’s Department no longer has use for the following vehicles and equipment:

**Vehicles & Equipment:**

1984	Chevy Cube Van	Vin# 1GCFP22J4E3332259
1995	Chevy Van	Vin# 1GDDL19W7SB549025
1998	Chevy Pick Up	Vin# 1GCHK34F4WE204325
1999	Chevy Pick Up	Vin# 1GCGK24R1XF035506
2001	Chevy Van	Vin# 1GAHG39R711214652
1997	Peque Trailer	Vin# 4JASL1821VG000122
	Skidster Back Hoe Attachment	Model # 609 Serial # 609 x 20872

and has therefore requested that the Town Board deem these items to be surplus and permit them to be placed on an online auction, and

**WHEREAS**, the Town Board has given due consideration to the request of the General Crew Chief, Terrence McCracken, and deems it in the public interest to declare the beforementioned vehicles and equipment to be surplus and permits placement of said items on an online auction;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby declares the beforementioned vehicles and equipment to be surplus and authorizes General Crew Chief, Terrence McCracken, of the Town of Lancaster’s Park’s Department, to place said items up for public bid at an online auction with Auctions International, 808 Borden Road, Buffalo, New York 14227 starting August 21, 2014 and concluding on September 3, 2014 with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014

**PUBLIC AUCTION**  
**OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Town Board of the Town of Lancaster has deemed the following vehicles and equipment as surplus:

**Vehicles and Equipment:**

1984	Chevy Cube Van	Vin# 1GCFP22J4E3332259
1995	Chevy Van	Vin# 1GDDL19W7SB549025
1998	Chevy Pick Up	Vin# 1GCHK34F4WE204325
1999	Chevy Pick Up	Vin# 1GCGK24R1XF035506
2001	Chevy Van	Vin# 1GAHG39R711214652
1997	Peque Trailer	Vin# 4JASL1821VG000122
	Skidster Back Hoe Attachment	Model # 609 Serial # 609 x 20872

This surplus equipment will be auctioned at an online auction with Auctions International, 808 Borden Road, Buffalo, New York 14227 starting August 21, 2014 and concluding on September 3, 2014.

Successful bidders must provide a payment of 100% of the bid price offered payable to the Town of Lancaster prior to taking possession of the equipment.

The surplus equipment may be inspected at the Town of Lancaster's Park's Department, 525 Pavement Road, Lancaster, New York by contacting General Crew Chief, Terrence McCracken at 684-3320 to make an appointment.

TOWN BOARD  
TOWN OF TOWN OF LANCASTER

By: JOHANNA M. COLEMAN  
TOWN CLERK

August 21, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** A Public Hearing was held on July 7, 2014, on the petition of **Natale Development, LLC**, 9159 Main Street, Clarence, New York 14031, for the rezone of a parcel of land located at 375 Harris Hill Road (SBL# 82.03-2-11.1) & 391 Harris Hill Road (SBL# 82.03-2-15), Lancaster, New York from Residential District (R-1) to Multifamily Residential District Four (MFR-4), and

**WHEREAS,** the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and was denied approval at their May 21, 2014 meeting;

**WHEREAS,** a Rezone of the property to the Multifamily Residential District 3 (MFR-3) is the minimum necessary to achieve the applicant’s objectives, and that the MFR-3 zoning district is less dense and will mitigate environmental impacts to the maximum extent practicable

**WHEREAS,** a SEQR review was completed on the proposed rezone on August 4, 2014 and a Negative Declaration was issued for the senior housing project and rezone to MFR-3, and

**WHEREAS,** notices of said Hearings were duly published and posted, and

**WHEREAS,** in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

**NOW, THEREFORE  
BE IT RESOLVED,**

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property 375 Harris Hill Road (SBL# 82.03-2-11.1) & 391 Harris Hill Road (SBL# 82.03-2-15) is changed from a Residential District (R-1) to Multifamily Residential District Three (MFR-3) with the following condition:
  - a) Residents of the apartment units must be age 55 years or older, and the property owner shall record a deed restriction providing for same. The deed restriction must include the Town as a beneficiary of such restriction, so that the Town may enforce the private deed restriction, in addition to the rezoning condition.
2. That said Ordinance Amendment be added in the Minutes of the meeting of the Town Board of the Town of Lancaster held on the 18<sup>th</sup> day of August 2014;
3. That a certified copy thereof be published in the Official Newspaper of Town of Lancaster pursuant to Town Law;
4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER AQUINO	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 18, 2014

**LEGAL NOTICE  
ADOPTION OF AMENDMENT  
ZONING ORDINANCE, TOWN OF LANCASTER  
NATALE DEVELOPMENT, LLC,  
375 & 391 HARRIS HILL ROAD  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from Residential District (R-1) to Multifamily Residential District Three (MFR-3) for the property known as **375 Harris Hill Road (S.B.L. No. 82.03-2-11.1) & 391 Harris Hill Road (S.B.L. No. 82.03-2-15)** within the Town of Lancaster, New York.

**August 21, 2014**

**STATE OF NEW YORK :**  
**COUNTY OF ERIE : ss:**  
**TOWN OF LANCASTER:**

**THIS IS TO CERTIFY** that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 18<sup>th</sup> day of August 2014 and that he same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto signed my hand and affixed the Seal of said Town this 18<sup>th</sup> day of August 2014.

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**Johanna M. Coleman, Town Clerk**

## **COMMUNICATIONS & REPORTS**

- 472. Highway Superintendent to Town Board –**  
Information regarding second notice of flagging of the Forestream Bridge by NYSDOT, and request for response from Town Board.  
Disposition = Received & Filed
- 473. General Crew Chief to Supervisor and Town Board –**  
Request for Town Board to deem certain items as surplus and allow them to go for public auction. Disposition = Resolution 8/18/14
- 474. Town Clerk to Town Board =**  
Clerk's Monthly report for July 2014. Disposition = Received & Filed
- 475. James Allein, Lancaster Rural Cemetery to Town Board =**  
Thank you to Highway Superintendent for recent work done by Town Highway Department at Lancaster Rural Cemetery and for continued support.  
Disposition = Received & Filed
- 476. David Hawk to Town Board –**  
Request for renewal of Special Use Permit for 255 Peppermint Road.  
Disposition = For Resolution
- 477. Town Clerk to Supervising Code Enforcement Officer –**  
Transmittal of letter from David Hawk requesting renewal of Special Use Permit for 255 Peppermint Road. Disposition = Received & Filed
- 478. Town Line Volunteer Fire Dept. to Town Clerk –**  
Request for change in roster. Disposition = Resolution 8/18/14
- 479. Town Line Volunteer Fire Dept. to Town Clerk –**  
Request for change in roster. Disposition = Resolution 8/18/14
- 480. Town Clerk to Town Board –**  
Final report of the 2014 County/Town tax collection. Disposition = Received & Filed
- 481. Town Clerk to James Koral, Chief, Twin District VFC, John Smith, Chief, Town Line VFD, Robert Poeller, Chief Millgrove VFD, Mark Lawniczak, Chief, Bowmansville VFA, Ron Rozler, President Twin District VFC, Jennifer Broska, President Town Line VFD, TanyaLords-Quinn, President Millgrove VFD, Steve Wik, President Bowmansville VFA, Ronald Rozler, Office of Emergency Management –**  
Annual inspection on Monday, September 29, 2014 beginning at 6:00PM.  
Disposition = Received & Filed
- 482. John A. Robinson, III to Police Chief Gerald J. Gill, Jr. –**  
Notice of intent to retire effective August 31, 2014. Disposition = Received & Filed
- 483. Highway Superintendent to residents of Southpoint Drive, Schilling Court, & Northbrook Court –**  
Information regarding paving on Southpoint Dr., Schilling Ct. & Northbrook Ct. to begin the week of August 12, 2014 through August 15, 2014.  
Disposition = Received & Filed
- 484. Village of Lancaster to Town Board –**  
Minutes from regular meeting held on July 28, 2014. Disposition = Received & Filed
- 485. Town Attorney to NYSDEC, NYSDOT, Erie County DPW, Erie County Health Dept., Erie County DEP, Division of Sewerage Management –**  
Request for lead agency designation regarding re-zone 00 Genesee St. 82.04-2-2.12, +/- 6.45 acres of land from R-1 & RCO to CMS for construction of vehicle holding area for wholesale. Disposition = Planning Committee

- 486. Supervisor to Joe Barbarits –  
Response to letter and copy of Town Board resolution dated August 4, 2014,  
regarding product named “equate”. Disposition = Received & Filed**
- 487. Town Clerk to Captain Marco Laurienzo –  
Request for police protection during tax collection from October 4, 2014 through  
October 15, 2014. Disposition = Received & Filed**
- 488. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector,  
Town Engineer and Town Clerk –  
Notice of SEQR meeting on August 18, 2014 at 6:00PM for Rezone: Summerfield  
Farms 7 (formerly Fairway Hills) 0 & 5425 William St.; and sale of Town of  
Lancaster Depew Library, 321 Columbia Ave. Disposition = Planning Committee**
- 489. Town Clerk to various news media –  
Notice of SEQR meeting on August 18, 2014 at 6:00PM for Rezone: Summerfield  
Farms 7 (formerly Fairway Hills) 0 & 5425 William St., and Sale of Town of  
Lancaster Depew Library, 321 Columbia Ave. Disposition = Planning Committee**
- 490. General Crew Chief to Supervisor and Town Board –  
Request for Town Board to deem certain items as surplus and allow them to go for  
public auction. Disposition = Received & Filed**
- 491. Captain Marco Laurienzo to Supervisor –  
Request for ordinance relative to placing a stop sign at the northwest corner of the  
intersection Branch Way and Pine Tree Drive. Disposition = Received & Filed**
- 492. Police Chief to Town Clerk –  
Articles and communications. Disposition = Received & Filed**



**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY  
COUNCIL MEMBER STEMPNIAK AND CARRIED,** the meeting was adjourned  
in memory of Sheldon Kurtzman, James Speyer, Sr. and Christian Thill at 8:53 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk